



January 25, 2002

SENATE BILL No. 401

DIGEST OF SB 401 (Updated January 22, 2002 12:00 PM - DI 92)

Citations Affected: IC 9-13; IC 9-21; IC 9-25; IC 9-30; noncode.

Synopsis: Electric personal assistive mobility devices. Defines an electric personal assistive mobility device as a self-balancing, two nontandem wheeled device with certain other attributes. Excludes an electric personal assistive mobility device from the definition of motor vehicle and from various requirements in the motor vehicle code. Permits a local authority to adopt only certain traffic regulations regarding electric personal assistive mobility devices. Requires the state fair commission to allow the use of electric personal assistive mobility devices at the state fairgrounds.

Effective: Upon passage.

Riegsecker, Nugent, Sipes

January 10, 2002, read first time and referred to Committee on Transportation and Interstate Cooperation.

January 24, 2002, amended, reported favorably — Do Pass.

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SB 401—LS 7242/DI 96+



January 25, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 401

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-49.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 49.3. "Electric personal assistive mobility**
4 **device" means a self-balancing, two nontandem wheeled device**
5 **that is designed to transport only one (1) person and that has the**
6 **following:**

7 **(1) An electric propulsion system with average power of 750**
8 **watts or one (1) horsepower.**

9 **(2) A maximum speed of less than twenty (20) miles per hour**
10 **when operated on a paved level surface, when powered solely**
11 **by the propulsion system referred to in subdivision (1), and**
12 **when operated by an operator weighing one hundred seventy**
13 **(170) pounds.**

14 SECTION 2. IC 9-13-2-105 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 105. (a) "Motor
16 vehicle" means, except as otherwise provided in this section, a vehicle
17 that is self-propelled. The term does not include a farm tractor, ~~or an~~

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implement of husbandry, **or an electric personal assistive mobility device.**

(b) "Motor vehicle", for purposes of IC 9-21, means:

- (1) a vehicle except a motorized bicycle that is self-propelled; or
- (2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motor vehicle", for purposes of IC 9-25, means a vehicle that is self-propelled upon a highway in Indiana. The term does not include a farm tractor.

(d) "Motor vehicle", for purposes of IC 9-30-10, does not include a motorized bicycle.

SECTION 3. IC 9-13-2-109 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 109. "Motorized bicycle" means a two (2) or three (3) wheeled vehicle that is propelled by an internal combustion engine or a battery powered motor, and if powered by an internal combustion engine, has the following:

- (1) An engine rating of not more than two (2) horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters.
- (2) An automatic transmission.
- (3) A maximum design speed of not more than twenty-five (25) miles per hour on a flat surface.

The term does not include an electric personal assistive mobility device.

SECTION 4. IC 9-13-2-196 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway.

(b) "Vehicle", for purposes of IC 9-14 through IC 9-18, does not include the following:

- (1) A device moved by human power.
- (2) A vehicle that runs only on rails or tracks.
- (3) A vehicle propelled by electric power obtained from overhead trolley wires but not operated upon rails or tracks.
- (4) A firetruck and apparatus owned by a person or municipal division of the state and used for fire protection.
- (5) A municipally owned ambulance.
- (6) A police patrol wagon.
- (7) A vehicle not designed for or employed in general highway transportation of persons or property and occasionally operated or moved over the highway, including the following:

- (A) Road construction or maintenance machinery.



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(B) A movable device designed, used, or maintained to alert motorists of hazardous conditions on highways.

(C) Construction dust control machinery.

(D) Well boring apparatus.

(E) Ditchdigging apparatus.

(F) An implement of husbandry.

(G) An invalid chair.

(H) A yard tractor.

(8) An electric personal assistive mobility device.

(c) For purposes of IC 9-20 and IC 9-21, the term does not include devices moved by human power or used exclusively upon stationary rails or tracks.

(d) For purposes of IC 9-22, the term refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, or a motorized bicycle.

(e) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. **The term does not include an electric personal assistive mobility device.**

SECTION 5. IC 9-21-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **Except as provided in section 3.5 of this chapter**, a local authority may adopt by ordinance additional traffic regulations with respect to streets and highways under the authority's jurisdiction. An ordinance adopted under this subsection may not conflict with or duplicate a statute.

(b) A fine assessed for a violation of a traffic ordinance adopted by a local authority may be deposited into the general fund of the appropriate political subdivision.

SECTION 6. IC 9-21-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) **A local authority may not adopt by ordinance any traffic regulations with respect to highways under the authority's jurisdiction concerning an electric personal assistive mobility device, except for traffic regulations concerning the following:**

(1) Operation of the electric personal assistive mobility device at the speed limit applicable to other vehicles.

(2) A requirement that the electric personal assistive mobility device yield the right-of-way to bicycles and to pedestrians.

(3) The regulation or prohibition of the operation of an electric personal assistive mobility device on highways when the speed limit is greater than twenty-five (25) miles per hour.

(b) A local authority may not adopt by ordinance any

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prohibition against or restriction on the use of an electric personal assistive mobility device operated on a path set aside for the exclusive use of bicycles as set forth in IC 9-21-11-1(b).

(c) An ordinance adopted under subsection (a)(1), (a)(2), or (a)(3) is effective when signs giving notice of the local traffic regulations are posted upon or at the entrances to the highway or part of the highway that is affected.

SECTION 7. IC 9-21-9-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter does not apply to an electric personal assistive mobility device.**

SECTION 8. IC 9-25-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1. (a) This section does not apply to an electric personal assistive mobility device.**

(b) A person may not:

(1) register a vehicle; or

(2) operate a vehicle on a public highway;

in Indiana if financial responsibility is not in effect with respect to the motor vehicle under section 4 of this chapter.

~~(b)~~ (c) A person who violates this section is subject to the suspension of the person's current driving license or vehicle registration, or both, under this article.

SECTION 9. IC 9-30-7-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter does not apply to the operator of an electric personal assistive mobility device.**

SECTION 10. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "electric personal assistive mobility device" means a self-balancing, two nontandem wheeled device that is designed to transport only one (1) person and that has the following:

(1) An electric propulsion system with average power of 750 watts or one (1) horsepower.

(2) A maximum speed of less than twenty (20) miles per hour when operated on a paved level surface, when powered solely by the propulsion system referred to in subdivision (1), and when operated by an operator weighing one hundred seventy (170) pounds.

(b) As used in this SECTION, "commission" means the state fair commission established by IC 15-1.5-2-1.

(c) As used in this SECTION, "executive director" means the executive director of the commission employed under IC 15-1.5-2-9.



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1 (c) As used in this SECTION, "fairgrounds" has the meaning set
2 forth in IC 15-1.5-1-7.

3 (d) As used in this SECTION, "motorized cart" means any
4 conveyance that is motor driven, either by gas or electricity, that
5 is used to carry passengers or equipment, and that is smaller than
6 normal road type vehicles such as cars, recreational vehicles, and
7 trucks.

8 (e) Notwithstanding IC 9-13-2-109, as amended by this act, and
9 notwithstanding 80 IAC 4-3-3 (a), an electric personal assistive
10 mobility device is considered to be a motorized cart and may be
11 used upon the fairgrounds.

12 (f) Before January 1, 2003, the commission shall amend
13 80 IAC 4-3-3 (a) to permit the use of an electric personal assistive
14 mobility device upon the fairgrounds as a motorized cart.

15 (g) Before January 1, 2003, the commission shall amend
16 80 IAC 4-3-5 (d) and (e) to exclude a person who uses an electric
17 personal assistive mobility device upon the fairgrounds from the
18 insurance requirements of those subsections.

19 (h) The commission shall carry out the duties imposed upon it
20 under this SECTION under interim guidelines that are approved
21 by the executive director and authorized by the adoption of a
22 resolution by the commission under IC 15-1.5-2-9(c)(1).

23 (i) This SECTION expires on the earlier of the following:

24 (1) The dates rules are adopted under subsections (f) and (g)
25 of this SECTION.

26 (2) December 31, 2003.

27 SECTION 11. An emergency is declared for this act.

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SENATE MOTION

Mr. President: I move that Senator Nugent be added as coauthor of Senate Bill 401.

RIEGSECKER

SENATE MOTION

Mr. President: I move that Senator Sipes be added as coauthor of Senate Bill 401.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Transportation and Interstate Cooperation, to which was referred Senate Bill No. 401, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Beginning on page 1, line 1, delete the effective date "[EFFECTIVE JULY 1, 2002]" in SECTIONS 1 through 9 and insert the effective date "[EFFECTIVE UPON PASSAGE]".

Page 3, line 42, after "(b)" insert **"A local authority may not adopt by ordinance any prohibition against or restriction on the use of an electric personal assistive mobility device operated on a path set aside for the exclusive use of bicycles as set forth in IC 9-21-11-1(b)."**

Page 3, line 42, before "An" begin a new paragraph and insert: "(c)".

and when so amended that said bill do pass.

(Reference is to SB 401 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 6, Nays 0.

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